# THE EVENING TELEGRAPH.

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VOL. V .-- No. 29.

PHILADELPHIA, FRIDAY, FEBRUARY 2, 1866.

DOUBLE SHEET-THREE CENTS.

PLEA OF SEMMES THE PIRATE.

Pull Copy of His Letter to the President-He Claims Parele Under Jee Johnston's Surrender-Me Proceeds to Argue Ris Case, and Enlighten the President on rotats of Military and Civil

[Our Washington despatches, a few days since, mentioned the reception by President Johnson of a manifesto or protest against the imprisonment or trial of Raphael Senines. The complete document is now before us, and we give it entire. It is in Semmes' own handwriting, and is not up with great care. What iver its intrinsic value may be, it is worth putting on record, as a part of the history of the late Rebellion.—Ed.]

To His Excellency Andrew Johnson, President of the President of the Republic Republic Residence of the Republic R dent of the United States, Str:-Being satisfied that you are anxious to arrive at a correct decision of my case—one that shall accord, at the same time, with the honor and dignity of the United States, and with justice to myself-I venture to address you the following brief exposi-tion of the law and the facts of the case.

On the 26th day of April, 1865, the following military convention was entered into at Greensboro, N. C, between General Joseph E. Johneren, commanding the Confederate States Army in North Carolina, and Major General W. T. Sherman, commanding the United States Army in the same State, vrs.:-

1 All acts of war on the part of the troops under General Johnston's command to coase from this date 2 All arms and public projectly to be deposited at Greenscore, and collected to an ordnance officer of the United States army

8. hol's of all the officers and men to be made in

duplicate, one copy to be retained by the commander of he troops, and the other to be seven to an officer to be designated by General becomen Each officer and man to tare his individual objection, in writing, not to take up a:ms assuest the Government of the United States until properly released from this ob-4 The side arms of officers, and their private

horses and baggage, to be returned by them.

5. This being done, at the officers and men will be permitted to return to their homes, not to be disturbed by the United States and horities so long as they observe their obligation and the awain force where the results of the results.

where they may reside
(Signed) W. Y. SHERMAN, Major-General,
Commanding U. S. Focces in North Carolina,
(Signed) Jos. E. Johnston General,
Commanding C. S. Forces in North Carolina,

Here, Mr. President, was a selemn military convention entered into by two Generals, who had opposing armies in the field, in which convention the one and the other General supulated for certain terms; General Johnston agreeing to lay down his arms and disband his forces, and General Sherman agreeing, in consideration thereof, that the forces thus disbanded shall proceed to their homes, and there remain unlisturbed by the United States authorities. I beg you to observe the use of the word "undisturbed," one of the most comprehensive words m our language.

I pray you also to remark the formalities with this convention was drawn. We were treated as officers commanding armies, representing of course, if not a de juve, at least a de facto Government. Our proper in litary titles were acknowledged. I was meself styled and treated in the muster-rolls, and other papers drawn up by both parties, a brigadier-general and a rear-admiral. The honors of war usual upon surrenders upon terms were accorded to us, in our being permitted to retain our side-

arms, private horses, and baguage. In short, the juture historian, upon reading this convention, will be unable to distinguish it in any particular from other similar papers agreed upon by armies of recognized Governments. At the date of, and some weeks prior to the ratification of this convention, I commanded a brigade of artillery, forming a part of the army of General Johnston. I was, of course, included in the terms of the convention. I complied with those terms, under orders received from General Johnston, by turning over my arms to the proper officer, and disbanding my forces. The convention was approved by the Government of the Umited States. Your Excellency may recollect that the first convention entered into between General Johnston and General Sherman, which provided, among other things, for the return of the Southern States to their functions under the Constitution of the United States, was disapproved by the Government on the ground that General Sher man, in undertaking to treat of political matters, had transcended his authority. The armistice which had been declared between the two armies was dissolved, and hostilities were re-

A few days afterwards, however, new negotiations were commenced, and the convention with which we have to do, was the second convention entered into by those Generals; and which was a substantial readoption of the military portion of the first convention. It was this latter convention which was formally approved, both by General Grant, the Commander-in-Chief, under whose orders General Sherman acted, and by the

Executive at Washington. Confiding in the good faith of the Government, pledged in a solemn treaty as above stated, I returned to my home in Alabama, and remained there for the space of seven months, engaging in civil pursuits as a means of livelihood for my dependent family, and yielding a ready obedience to the laws. I had, in fact, become an officer of the law, having established myself as an attorney. It would have been easy for me, at any time within these seven months, to pass out of the country, if I had had any doubt about the binding objigation of the Greensboro Convention, or of the good faith

But I had no doubt on either point, nor have any doubt yet, as I feel quite sure that when you shall have informed yourceit of all the facts of the case, you will come to the conclusion that my arrest was entirely without warrant, and order my discharge. While thus remaining order my discharge. While thus remaining quietly at my home, in the belief that I was "not to be disturbed by the United States authorities," I was, on the 15th day of December, 1865, in the night time, arrested by a Lieutenant and two Sergeants of the Marine Corps, under an order signed Secretary of the Navy, and placed under guard, a file of soldiers in the meantime surrounding my house. I was informed by the officer making the arrest! that I was to proceed to Washington in his custody, there to answer to a charge, a copy of which he handed me. This charge, and the protest which I filed next day with the Commanding General of the Department of Alabama, against my arrest, your Excellency has already seen. The question for you then to decide, Mr. President, is the legality of this arrest.

Can I, in violation of the terms of the military convention already reterred to, and under which I laid down my arms, be held to answer for any act of war committed anterior to the date of that convention? I respectfully submit that I cannot be so held, either during the continuance of the war (and the political power has not yet proclaimed the war ended) or after the war shall have been brought to a close by pro-clamation, and the restoration of the writ of habeas corpus, without a flagrant violation of faith on the part of the United States.

If it be admitted that I might be tried for any act dehors the war, and having no connection with it, as for instance for a forgery, it is yet quite clear that I cannot be arrested or arraigned for any act manifestly of war, and acknowledged as such (as the act, for instance, for which I was arrested), whether such act be in consonance with the laws of war, or in violation thereof; and this for the simple reason that the military conven-tion was a condonation and an oblivion of all precedent acts of war, of what nature soever those acts might be. I am "not to be disturbed," says the military convention. Disturbed for what? Why, manifestly, for any act of war theretofore committed against the United States. This is the only common sense view of the case; and

if the convention did not mean this it could mean nothing; and I laid down my arms, ... t upon terms, as I had supposed, but witho t terms. If I was still at the mercy of the conqueror, and my arrest asserts as much, I was in the condition of one who had surrendered unconditionally; but it has been seen that I did not surrender unconditionally, but upon terms—terms engrafied upon a treaty ratified and approved by the conqueror's Govcomment. Nor is it consistent with good earth to qualify or restrain those terms, so as to make them inapplicable to acts of war that may be

claimed to have been in violation of the laws of war; for this would be to refine a way all the prowar; for this would be to refine a way at the protection which has been thrown around me by
treaty, and put me in the power of the
opposite contracting party, who might put
his own construction upon the laws of war.
This very attempt, Mr. President, has been
made in the case before you. I claim to have
escaped, after my ship had been sunk
from under me in the engagement off Cherbourg,
and I had been precipitated into the water, the enemy not having taken possession of me, according to the laws and usages of war, as your Excellency may read in almost every page of naval his ory, the Secretary of the Navy claiming the contrary. The true, and the only just and fair criterion is, Was the act for which the arrest was made an act of war? If so, there is an end to the question, and I must be discharged, for, as before remarked, the convention, if it is anything, is an oblivion of all the acts of war of

whatever nature.

Ent it may be said that, although I cannot be tried by a military tribunal during the war, I may yet be tried by a civil tribunal after the war. Let us try this question also. I was, undoub edly, amenable to the civil tribunals of the country, as well after as before the convention, for any offense of a purely civil nature, not founded upon an act of war-for instance, as before, the crime of forgery. If I had committed a forgery in North Carolina, I could not, upon arraignment, plead the military convention in bar or trial. Why not? Because that convention had reference only to acts of war. I was treated with, in my capacity of a soldier and seaman. But, does it follow that I may be tried for treason? And if not, why not?

The Attorney-General tells you that treason is a civil offense, and in his opinion triable exclu-sively by the civil cours, and he hopes you will give him plenty of occupation in trying 'many whom the sword has spared." (See his letter to you of the 4th of January, 1866.) But does not that officer lorget that ireason is made up of acts of war; and is it not apparent that you cannot

try me for acts of war? The Constitution of the United States, which the Attorney-General says he loves even better than blood, declares, in words, that treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort—all of which adherence, giving of aid and comfort, etc., are equally acis of war. There is no constructive treason in this country. Thus I can neither be tried by a military tribunal during the war, nor a civil tribunal after the war, for any act of war, or for treason which consists only of acts of war.

But it may further be said, that this convention, or which I am claiming the protection, is not a continuing convention, and will expire with the war, when, as Mr. Speed thinks, you may hand me over to the civil tribunats. Whence can such a conclusion be drawn? Not from the terms of the convention, for these contradict the conclusion; not by implication merely, but in *lottlem verbis*. The terms are "not to be disturbed, so long as they shall observe their obligation and the laws in lorce where they may reside." A misuse of terms, Mr. President, sometimes misleads very And I presume it is by a misu of terms that the Attorney General has fallen into this error. (See his fetter to your Excellency, before referred to.) That officer, while he adn its that parole protects the party paroled from trial during war, yet contends that it does not protect him from trast by a civil tribunal, treason, after the war. As I have shown that treason can only consist of acts of war, and that the military convention is an oblivion of all acts of war, the Attorney-Gene ral, when he says that a paroled party may be tried for treason at the end of the war (the parole being no longer a protection to him), must mean that the parole will have died with the war. This is entirely true of a mere parole, for a parele is only a promise, on the part of a prisoner of war, that if he is released from imprisonment he will not take up arms again, unless he is exchanged. This parole is as frequently given by prisoners of war, who have surrendered inconditionally, as by those who have surrenered upon terms.

There cannot be any parole, then, without a prisoner of war, and the status of prisoner of var ceasing, the parole ceases-for cessemie ratione, cessas et ipsa lex. Thus far the Attorney-General is quite logical, but by confounding in his mind the certificates given to the officers and men of General Johnston's army, stating the terms of the Greensboro Convention, and guaranteeing those officers and men against colestation, in accordance with those terms, with paroles, it is easy to see how the mistake am exposing can have been made.

But the convention made between General Johnston and General Sherman was not a mere releasing of prisoners on parole; nor, indeed had it anything to do with prisoners, for none of the officers and men of General Johnston's army ever were prisoners, as may be seen at a glance by an inspection of the terms of the convention t was a treaty between commanding generals in the field, in which the word parole used, or could be used with propriety; a treaty in which mutual stipulations are made, one in consideration of another, and there is no limit

as to time set to this treaty. On the contrary, it was expressly stated that the guarantees contained in it were to continue and be in force so long as the parties to whom the guarantees were given should perform their part of the treaty stipulations. It was made not in contemplation of a continuation of the war with a view to put an end to the war; and the guarantees were demanded by us as peace guar-anices. It did, in effect, put an end to the war, and pacify the whole country, General Taylor, in Alabama and Mississippi, and General Buck-ner and others, in Texas, following the lead of

Are we to be told now by an Attorney-General

of the United States that the moment the object of the convention, to wit, the restoration of peace, was accomplished, the convention itself became a nullity, its terms powerless to protect us, and that General Johnston's army surrenlered, in fact, without any terms whatever! You cannot sustain such an opinion, Mr. President. It will shock the common sense of fair play of But to show still further that 1 was the intention of the parties that this should be a continuing convention, the words were 'not to be disturbed by the United States authorities," these words being coextensive with the whole power of the Government. We were not only "not to be disturbed" by General Sherman, or any other military commander or au thority, but by any authority whatever, civil or military. Nor will it do to say that General Sherman, being merely a military man, had no authority to speak for the civil branch of the Government, for his action, as we have seen was approved by the administration at Wash

One more remark, Mr. President, and I will forbear to trespass further on your time and patienee. The act of war for which I was arrested was well-known to the Department of the Govrament making the arrest ten months before the convention was entered into at Greensboro It was also well known to the same department that about the middle of February, 1865, I was assigned to the command of the James River Squadron, near Richmond, with the rank of a

Rear-Admiral; being thus promoted and em-

gal escape off Cherbourg. if the Government then entertained the design, which it has since developed, of arresting and trying me for this alleged breach of the laws of war, was it not its duty, both to itself and to me, to have made me an exception to any military terms it might have been disposed to military terms it might have been disposed to grant to our armies? I put it to you, Mr. Pre L dept, as a man and a magistrate, to say, and I will rest my case on your answer, whether it was consistent with honor and fair dealing for this Government first to entrap by means of a mil tary convention and then, having me in its power, to arrest me and declare that convention pull and yold for the course recommended to null and void, for the course recommended to you by Mr. Speed comes to this—nothing more,

nothing less. I have thus laid before you, tediously, I fear, and yet as concisely as was consistent with clearness, the grounds upon which I claim at your hands, who are the guardian of the konor of a great nation, my discharge from arrest and imprisonment. I have spoken freely and frankly, as it became an American citizen to speak to the Chief Mag'strate of the American Reputlic. We live in times of high 'party excitement, when men, unfortunately, are but too prone to take counsel of their passions; but passions die, and men die with them, and after death comes history. In the future, Mr. President, when America shall have a history, my record and that of the gallant Southern people will be engratted upon and become a part of your history, the pages of which you are now acting; and the prayer of this petition is that you will not permit the honor of the American name to be tarnished by a perfidy on those pages. In this paper have stood strictly upon legal defenses; but should those barriers be beaten down, conscious of the rectitude of my conduct throughout a chequered and eventful career, when the commerce of half a world was at my mercy, and when the passions of men North and South were tossed into a whirlwind by the current events of the most bloody and terrific war that the human race had ever seen, I shall hope to justify and defend myself against any and al charges affecting the honor and reputation of a man and a soldier. Whatever else may be said of me, I have, at least, brought no discredit upon the American name and character. I am, very respectfully, etc., RAPHAEL SEMMES, Wasbington City, January 15, 1866.

#### WASHINGTON.

Special Despatches to The Evening Telegraph. WASHINGTON, February 2. Cost of War Vessels.

The Secretary of the Navy sent to the Senate yesterday the records of the Naval Board convened at Brooklyn in June last to examine the claims for the cost of our war vessels above the contract price; from which it would appear that awards were made for thirty-seven wooden double-enders, amounting to \$\$14,974; for six iron double-enders, \$356,848; for three gunboats,\$100.853; for the Miantonomah, \$35,832; for the iron-clad propellers Milwaukie and Winnebago \$59,613; for the iron-clad Onondaga, \$85,203; for six river and harbor monitors, \$656,651; for the light draft monitor Naubuc, \$36,533; for the monitor Comanche, \$179,993, with \$96,000 more for this last named vessel, claimed as cost by the contractors. These sums are all awards in addition to the amounts specified in the original contracts. The Secretary of the Treasury, in note to Representative Washburne (Ill.), Chairman of the Committee on Commerce, expressed his dissent to the House bill establishing a port of entry at New Orleans. He thinks it would virtually abolish the Districts of New Orleans and Natchez, and establish St. Louis as the chief port of entry instead of New Orleans. The bill embraces in the proposed district the Mississippi, Missouri, and Ohio rivers. There seems no good reason, in his opinion, to set aside the rule to establish ports of entry within convenient reach of those points where foreign merchandise passes within the boundaries of our country. He says experience has shown the necessity of securing the duties on imports as soon as possible after the latter arrive within the country. To permit yessels with foreign cargoes to pass up our principal rivers for thirteen hundred miles to St. Louis without the duties being previously paid or secured, would open the door to smugglers, which even the constant presence of an inspector on board would fail effectually to close. He sees no reason for making St. Louis a port of entry that would not equally apply to Cincinnati, or, as regards geographical position. to Cairo or Mound City, and cannot approve the objects of the bill even in a modified form. In accordance with his opinion, the bill has been reported on adversely by the committee.

The Report of the Revenue Commission. The report of the Revenue Commission is being examined and commented upon very generally by members of Congress. Its recommendations meet with universal favor. The only prominent feature which does not seem likely to be adopted is the reduction of the tax on whisky. An immense amount of testimony upon which the recommendations of the commission are based, and which in some instances changed entirely the views and opinions of the Board, is at the disposal of Congress, and can be had whenever it chooses to call for it. Before framing the proposed amendments to the National Bank Act, the Committee on Banking and Currency will await the decision of the Supreme Court in the tax cases now being argued, which will determine the legality of municipal taxes upon national securities.

Murder in Hartford.

HARTFORD, February 2.-An Italian named Le Gang was mortally wounded this morning by a shot fired by another Italian named Antonio White. The parties had had a difficulty over a game of cards last night at White's free concert saloon. The assassin was arrested.

-The Liverpool (England) Mercury announces that it has just added to the establishment one of Hoe's eight-cylinder presses.

-There are three hundred and forty-nine houses to be taken down in the old part of Paris before the 15th of Arri, which will cause ten thousand families, comprising forty thousand sculs, to be displaced, and compel them to seek

—The remarriage of a young Hindoo widow has taken place in Bombay. As this is the first instance of any properly celebrated marriage in the Presidency, the event has been a subject of congratulation among the more liberal members of the Hindoo community.

-The magnificent collection of Assyrian bas reliefs from the palace of Nimroud, presented by M. Delaporte, Consul-General of France in the East, has been placed in the galleries of Louvre. These antiquities, several of which are of immense proportions, belong to an exceedingly distant period.

## THIRD EDITION

THE WAR IN MEXICO.

Movements of Imperial and Liberal Forces.

BACDAD REOCCUPIED BY IMPE-RIAL FORCES.

A Protest Against the Action of United States Military and Civil Officers.

New Orleans, February L .- Files of the Matamoras Ranchero, from the 23d to the 27th ut., have been received.

The Ranchero insists that Juarez left El Paso for Texas, and that his arrival at San Antonio, before reported and denied, was desired to be concealed. Also, that he brought a great deal of silver for future use.

Cortinas left Brownsville on the 22d ult. for up the Rio Grande. He returned and crossed over to a point fifteen miles below Matamoras on the 26th; and Cabedo with his entire force, 250 strong, left Camargo for some interior Mexi, can point.

Canales, with a small force, left Mier for Victoria, Mexico. He and Escobado are at open variance. The Ranchero says that they cannot now escape to neutral territory for protection.

Bagdad was abandoned on the 20th by the Liberals and by the United States goard placed there. The Imperial troops re-entered it on the

English, French, and Spanish men-ol-war were crusing off the mouth of the Rio Grande, and three Mexican Imperial war vessels were cruising from off the mouth of the Rio Grande to Erazos St. Jago.

Major-General Wright is reported to have arrived at Brownsville to investigate the Bagdad

A better condition of affairs exists at Monterey. The business men who had left it for Sal-

tallo were returning. Nearly all the merchants of Matamoras, and among them several prominent and influential Liberalists, have published a solemn protest against the course of the United States army and civil officials on the Texas side, charging them with being responsible for the troubles and outrages on that frontier, by aiding the partisans of Juarez, a party which at present has no more footbold or basis of operations on this frontier than that afforded by said officials. The protest is very severe, and its truth is officially certified to by the Vice-Consuls of Spain, France, Prussia, and Great Britain resident at Mata-

Particulars of the Occupation of Chihuahua by the French-Ine Cabinet and Suite of President Suarez-List of their Names in Full-Defeat of the Imperialists by Porficio Diaz at Comitlipa-Disease and Descriton among the French Troops at Acapulco-General Riva Palacies preparing for a Fresh Campaign, Etc.

EL Paso, January 5.—President Juarez and Cabinet, with about three hundred and fifty men, are still at this place, where they arrived on the 18th ult. They have found the "last and must fight or leave the soil of Mexico. The following named gentlemen form the Cabinet:-Sebastian Lerdo de Tijadu, Foreign Relations

and Government. Maria Yglesias, Justice, Treasury, and Public Credit.

General Ygnacio Melia, War and Marine, Principal officers in the suite of the Presi ient;-General Francisco Ortiz de Zareite, General Pablo Maria Zamarcona, General Juan N. Muratuentes, Colonel Juan Peres Castro, Colonel Mariano Dias, Colonel Jose Maria Gomes, Lleuenant-Colonel Platon Sanches, and Lieutenant

Colonel Jose Ypes. The Governor of Chihuahua, Don Luis Terrazas, arrived here a few days ago. He has been very active in raising a force large enough to expel the Imperial mercepanes from the State. The appointment of General Logan has raised the hopes of the Republicans to the highest There is no doubt but that with a little material aid from the United States the Govern-

ment would soon be able to drive the usurpers into the seas, and to place republican institutions bove par in Mexico. The Periodico Oficial, the organ of Juarez publishes (January 1) the following details of the French occupation of Chihushua:—

We have received the following particulars from a person worthy of confidence:-The French force entered the capital of the State (Chihuahua) on the 11th, almost without being noticed. Their numbers were estimated by some persons at less than five hundred, but I counted over six hundred. This force was commanded by Captain Billot, and consisted of three company of the 7th Intantry Regiment and one com pany belonging to the 1st Squadron of the Chasseurs d'Afrique, two pieces of artillery, and their train. They were accompanied by some sixty or

eighty Mexican traitors. They immediately placed guards at all the outlets of the city, cutting off communication with the outer country, and requiring all persons having arms to give them up.

On the 15th this rigorous state of affairs was relieved by order of the commanding officer, who issued a sort of decree declaring that all persons were at liberty to carry arms; but that in th event of any one abusing the privilege he would be immediately shot, and in case of the offender being a servant, his master would in addition be punished by fine and imprisonment.

It is reported that another column of one thousand men, under Lieutenant-Colonel d'Al vizy, will arrive between the 15th and 20th inst. escorting a large amount of specie. This force is to remain at Chihuahua, while the troops aiready here will, it is supposed, march to El Paso. The column expected consists of the rest of the 1st squadron of Chasseurs d'Afrique, and either the 62d Infantry Regiment or the other battalion of the 7th.

The course pursued by the French commander cannot deceive any save the most simple. He visited several private houses, and informed the inmates that they need have no fears, and that he was desirous of becoming acquainted with those persons reputed to be Liberals in order to prove to them that he was more liberal than any of them. He paid a visit to the house of Don Luis Terrazas (Governor of the State of Chihus-hua), who accompanied President Juarez in his flight, and informed the lady of Senor Terrazas that, as her husband had been elected Governor of the State by the people, he was ready to recog-

nire the election, and would appoint him Chief In perial Preject of the Department.

He added that he would write him to that effect, and would furthermore assure him that it CONTROVERSY. his scruples would not allow him to accept the appointment he might return and reside peace my in the city without being molested, and

without being required to make any oath or One person states that he actually heard this officer say that Juarez would return to Mexico very speedily as an ally of France, and not of

the United States. All this shows the utter want of confidence of the enemy in invading the capital of a State whose inhabitants have given so many process of their devotion to the Republic and to the Con-stitutional Government of Mexico. It shows that the commander of the invading force, well knowing the sentiment of the cons of Chihua-bua, seeks to gain their affections by assurances and premises which are as hypocritical as they are base. This is a fresh evidence of the popularity (!) which is relied upon by the French

intervention to establish an empire in Mexico, OFFICIAL NEWS FROM EL PASO.

Washington, February 1.—Official news has been received here up to the 5th of January nom El Paso, the residence of the Mexican Government.

General Yanacio Mejia, one of the desen lers of Puebla, has been appointed Secretary of War u I resident Juarez's Cabinet. The French have not made another attempt to

attack El Paso. General Ferrago's division was close by, and the place is looked upon as en-

The news from the interior shows that the French are quite disgusted with their endless task of establishing Maximilian's authority upon an unwilling people. San Francisco, January 4 .- General Diego

Alvarez has written a letter from La Providencia to Consul Godoy at San Francisco, under date of December 13, in which he avs:—I have just received official despatches from General Porfirio Diaz, communicating that on the 4th of December he defeated the traitor Vi.oso at Comittipa, in the District of Morelos. He made quite a number of prisoners, and the enemy lost sixty men killed and wounded, while we had but one man killed and a few wounded.

Our climate is decimating the ranks of the traitors who are in military possession of Acapulco; we keep harassing them continually. Their situation is such that all who can try to come over to our quarters, and we have already admitted to our ranks eighty of their soldiers. I have good reasons to say that before long they will all leave our port.

On the trontiers of our State continual skir-mishing is kept up. Thus far we have been successful in repulsing the enemy every time he and their expeditions can only be considered as foraging raids, to rob and practise extortion on the people. The glorious flag of the republic

waves over the whole State.
The infamous murder of Generals Arteaga, Salazar, and other patriots, far from intimidating the people of Michoacan, has caused a general outburst of indignation and thirst for evenge. I have received a letter from Riva the Centre, in Michoacan, who says he is continually receiving reinforcements, and has now three thousand men armed and ready to begin a new campaign.

The continuance of Juarez in the Presidency of the republic has my, most sincere approval: he is respected by all, and is the only man fully apt to meet the exigencies of the country under existing circumstances. I feel confident that he will have the glory of planting our national banner again on the walls of the city of Mexico.— New York Herald.

### FROM BALTIMURE TO-DAY.

Poings of the Legislature-Crime-Rail-road Projects, Etc.

Special Despatches to the Evening Telegraph, SALTIMORE, February 2 .- The Maryland Senate esterday raised the salary of Lieutenant-Sovernor Cox from ten dollars per day during the legislative session to two thousand dollars a

Sprigg Harwood, a Southern sympathizer, who was elected to the clerkship of Anne Arundei county last fall, was yesterday voted out by the House delegates, and his loyal competitor restored to said office. This shows that Judge Spence, who is contesting the election of Judge Franklin (disleyal), will surely be successful.

An unusual number of burglaries, robberies and other outrages are now occurring here. All of the prominent railroad projects before

the present Legislature have been favorably acted on.

The Wreck of the "Missouri"

LOUISVILLE, February 1,-The Albany Lelger ays that the steamer Charmer went to the wreck of the steamer Missouri on Tuesday morning, and succeeded in getting the boat's safe and books. Mr. Malin, the clerk, has gone to Evansville to obtain possession of them, and he will be able to make out a complete list of the lost. The remains of Captain Hurd's wife were recovered from the wreck yesterday afternoon. The other bodies have not yet been recovered.

The Smallpox in the Southwest.

CINCINNATI, February 2.—Special despatches to the Gazette state that the smallpox is prevailing to an alarming extent throughout many parts of the South. The Huntsville Independent says that unless some organized effort is made o arrest its progress, it will become epidemic, and sweep over the whole land,

The Southern papers are filled with accounts of murders and robberies.

### Marine.

Boston, February 2 .- The steamship Cleopatra rom New Orleans, reports, January 27th, twenty miles off Cape Hatteras, saw the barque George S. Hunt, from New York for Savannah, having on board the crew of the wrecked schooner Lark. The barque had a considerable quantity of cotton on deck, supposed to have been saved from the Lark.

Locomotive Explosion.

NEW ORLEANS, February 1 .- An engine exploded on the Jackson Railroad, near Armite City, killing three men, including Colonel Forney, ex-Chief of Police, and wounding four

From Vera Cruz.

NEW YORK, February 2 .- The steamship Vera Cruz has arrived here, from Vera Cruz via Havana. Her news is anticipated.

Markets by Telegraph.

New Onleans, February 1.—Cotton—Sales of 1200 bales at 48 cents. Freight for New York, 1 cent; Laverpool, 3d. New York checks, 2 discount; Go d, 140.

New York, February 2.—Cotton quiet at 49c. Flour steady and more active; sales of 10 900 bb's. at unchanged prices. Wheat and Corn dult. Beef steady. Pork closed buoyant at \$28 76. Lard heavy at 142@184. Whisky dult and nominal.

Argument of Judge Black for the Atlantic and Creat Western Railway Company.

The duty I owe in this case will be very easily performed. It is well that it happened so, for if it had been hard to do I am afraid it would not be

performed. It is well that it happened so, for if it had been hard to do I am afraid it would not be done at all. The several companies who are associated together in this defence with the Atlantio and Great Western Company, for which Mr. Church and I appear, have been very fully and very shly represented by the gentlemen who have already spoken. The arguments made by Mr. Wharton and Mr. Biddle are so full and ample that they leave nothing more to be desired. They have done very full justice to all the questions which are peculiarly important to their clients, as well as to the other questions in which we as well as they have a common interest.

You shall hear no superfluous discussions in this place from us. Besides, what I have to say will be shortened by another consideration. I think I have a right to presume to know—and it is my bounden duty to take it for granted that this Court will not decide or give an opinion upon any subject not directly raised upon the evidence, and properly brought before the Court on this motion—that your Honor will not allow yourself to be carried out of the record for the purpose of saying anything upon any subject, no major with whatever power, elequence and ingernity other and irrelevant considerations may be urged upon your mile. This is a private controversy between private parties, and nothing can be determined here irrelevant considerations may be urged upon your mind. This is a private controversy between private parties, and nothing can be determined here except strictly legal and private interests that are involved between these parties. G: these questions that form a proper subject of adjudication in this case there is but one in which the Atlantic and Great Western Company is particularly, especially and exclusively interested, and that seems to me to have been thrown into the case more as a to me to have been thrown into the case more as a

make-weight than for any other purpose.

The plaintiffs in their bill make a quasi denial that we are a corporation. They do not deny it bravely, boldly, plainly, but they say that we pretend to be a corporation under some law of which they are profoundly ignorant. It has not happened to them by any chance to have seen a book in which that law was printed.

In the whole course of their very careful re-In the whole course of their very careful researches in this case, they have never come across anything that looks like authority for us to be organized as a body politic. They are entirely innocent of any knowledge upon the subject, and for their special satisfaction they desire that if we do set up a pretence of being a corporation, we should be held to strict legal proof of it, so that they may rest their consciences safely in any proceedings they may have taken against us.

The answer that we have to make to the Pennsylvania Railroad Company when it asserts that we are not a corporation, or says that it does not know whether we are or are not, is one that we

know whether we are or are not, is one that we mean to make a very flat one. We desire to express only respect for the gentlemen who manage the road, and some admiration for the enterprise which enables them to do a great service to the State, but it is best to be very plain about it, and say to the Pennsylvania Railroad Company it is none of your business whether we have a corpo-ration or not. If we have not, we are guilty of a usurpation, but we have usurped upon the Common wealth alone, and not upon the Pennsylvania Railroad Company, and the Common wealth is sup-posed to have an existence of its own, separate and independent altogether of the Pennsylvania Railroad. I think this is a presumption, as it used to be, however untrue some persons may suppore it to be in point of fact.

Now if the Commonwealth can tolerate this thing, which the plaintiffs allege to be a usurpation, I assume that they ought not to make much complaint. Who suthorized the Pennsylvania Company to play parens patrice for the benefit of the great Commonwealth of Pennsylvania and the nmercial interests of the public! Who made high constable among the smaller corporations of the State, to keep them in order? Who consti-tuted her Grand Inquisitor General to be prying into the charters of other corporations, demand-ing their charters, and then picking flaws in hem, and asserting whether they are right or not? Why, if your Honor pleases, it cannot b that anybody will avoid seeing that such a doctrine as that, such a system of investigation, would destroy our whole system of jurisprudence in a month. The whole thing would fall into mere

oppugnancy.

If there is any rule that is well understood, it is that in a controversy between private parties, there can be no question arise about the duties which one of these parties may or may not owe to the public. If a public officer takes it upon himself to exercise an office to which he is not entitled, who questions his right? Not a private individual against whom he may have issued a dividual against whom he may have issued a warrant or done something in his official capacity which affects his private interests, as the title of the officer to the place he holds is conclusively settled if the public authorities tolerate him there. So it is with corporations. Your Honor will probably recollect a case—I think it occurred while you were Attorney General of the State—in which a gentleman in the county of Westmoreland assumed upon himself the duties of the Probident Indige of that indicial district. Judge of that judicial district, a very distinguished and highly respectable gentleman, a practising lawyer. He was deeply interested in the adminis-tration of justice, and on the withdrawal of the commission by which he held his office he undertook to institute proceedings for the purpose of testing it. When he came to the Supreme Court they never looked any further than to see if the proper party was making the complaint, and as it was not the Attorney General who preferred the charge, but a private individual, it was laid aside, as a thing that could not be entertained for a

When the Supreme Court was first organized, (soon after the adoption of the present Constitu-bon) a gentleman in one of the northern counties filed a bill against a railway company, orging that it was about to take his land, and that company had no right to do any such thing, as his land was not upon the route. He asked the Court to decree that they should follow the true route which the charter prescribed to them. It was manifest on the face of the bill that it was intended to yindicate a private right. The Court at once said that public duties were not to be enforced at the suit of a prate individual, although it was palpable on face of the bill that the railway company was ex-creding its charter. When the Attorney General came and filed a bill in the same words exactly, except a new head and tail, the decree refused in the first instance was granted at once.

Let me name another case not repeated in the books. I use it more for illustration than authority. About the year 1834, in one of the townships of Cambria county, a man brought a suit before a justice of the peace, against another for five dol-lars, not \$5 33. In the course of the hearing before the magistrate, it became apparent that the claim of the plaintiff was founded upon a loan which he had made to the defendant of a five dollar note of the Bank of the United States. The justice was an ex-ceedingly sound man upon what was then the great political question of the day, and he saw the mo-ment the case came before him that here was an op-portunity to crush the monster that was not only inuring the commerce of Philadelphia and the State, as the plaintiffs here allege against us, but was producing immense injury to the currency and trade of the whole Union, and accordingly he pronounced judgment in favor of the defendant, on the sole ground that the Bank of the United States had not a valid charter, and thus conflicted with what he called "the great principle of General Jackson's veto measure." Whenever in subsequent and frequent allusions to that enterprise he was called on, he insisted that the charter of the Bank was void and nyslid, and he knew it to be so, because he decided

Now, his decision was right. There can be no Now, his decision was right. There can be no doubt of it. He was perfectly sound, and the only trouble was that the Court had no jurisdiction to make that decision, as the Chief Justice of the Supreme Court of the United States, or a majority of the Court, would have to make a similar decision in a case between a corporation whose charter is alleged to be invalid and the government that made and gave that charter.

made and gave that charter. made and gave that charter.

It must be apparent how difficult it would be to do justice in a country if every man in the conntry could assume to be the avenger of an injured law. If the Pennsylvania Railroad Company have the right to take the red bolts of her vengeance and throw them about wherever she deemed them pecasary to take the second throw them about wherever she deemed them pecasary to take the second throw them about wherever she deemed them necessary, to stay the encroachments and usurpation of any other corporation, two results would follow: a corporation whose charter is con-tested after that fashion would not only have to

[Continued on Second Page.]